

United States District Court
Southern District of Texas

ENTERED

July 16, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA,

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Plaintiff,

§

VS.

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0.693 ACRES OF LAND, more or less, in
STARR COUNTY, TEXAS; SAN
JUANITA J. GARZA, Dependent
Administrator of the Estate of Martin
Corona Garza; and AMEIDA SALINAS,
Starr County Tax Assessor-Collector,

CIVIL ACTION NO. 7:20-cv-00339

Defendants.

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FINAL JUDGMENT

The Court hereby renders final judgment in this case in accordance with Federal Rules of Civil Procedure 54 and 58. Having considered the parties' "Joint Stipulation and Motion for Order Establishing Just Compensation, Granting Possession, Disbursing Funds on Deposit in the Registry of the Court, and Closing Case,"¹ and determining that it warrants entry of this final judgment,² the Court **ORDERS, ADJUDGES, and DECREES** that:

The United States is granted a fee simple absolute interest over Tract RGV-RGC-5053, which is a 0.693-acre parcel of land more particularly described in Schedules C and D of the United States' "Complaint in Condemnation,"³ subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; and subject to the mineral interests of third parties; excepting and reserving to San Juanita J. Garza, in her capacity as Dependent

1 Dkt. No. 21.

Dkt. No. 21.

2 Dkt. No. 22.

³ See Dkt. No. 1-1 at 5-12.

Administrator of the Estate of Martin Corona Garza, or her or said estate's successors, all interests in minerals and appurtenant rights for the exploration, development, production, and removal of said minerals; and reserving to San Juanita J. Garza, in her capacity as Dependent Administrator of the Estate of Martin Corona Garza, or her or said estate's successors, reasonable access to and from the owner's lands lying between the Rio Grande River and the border barrier through opening(s) or gate(s) in the border barrier as depicted in the United States' Schedule E;⁴ and excepting and excluding all interests in water rights and water distribution and drainage systems, if any, provided that any surface rights arising from such water rights or systems are subordinated to the United States' construction, operation, and maintenance of the border barrier.

The United States is granted immediate possession of its real property interests obtained herein and all those who interfere with or whose use is inconsistent with the United States' interests in the subject property are hereby **ORDERED** to surrender possession to the United States to the extent of the United States' interests granted by this final judgment.

The United States must use its interests granted by this final judgment for the public purposes for which the property is taken, to wit, to construct, install, operate, and maintain roads, fencing, vehicle barriers, security lighting, cameras, sensors, and related structures designed to help secure the United States/Mexico border within the State of Texas.

The total sum of two thousand three hundred dollars (\$2,300), together with any interest earned while on deposit in the registry of the Court,⁵ constitutes just compensation under the Fifth Amendment to the United States Constitution for the taking of Tract RGV-RGC-5053, and the sum fully satisfies any claims of whatever nature by any Defendant against the United States

⁴ Dkt. No. 1-1 at 15 (Schedule E).

⁵ See 40 U.S.C. § 3116.

for this action and taking. Judgment is entered against Plaintiff United States of America for the amount of just compensation. All taxes, liens, encumbrances, and charges of whatever nature existing against the interests taken in the subject properties as of December 9, 2020,⁶ shall be deducted from the compensation distributed by this final judgment. The Court **ORDERS** the Clerk of the Court to immediately disburse the \$2,300 and interest on deposit in the Court's registry,⁷ in the following amounts:

- \$530.82 to Defendant Ameida Salinas, in her official capacity as the Starr County Tax Assessor-Collector, for account number 0024852 for tax purposes; and
- The remainder (viz. \$1,769.18 and all interest) to Defendant San Juanita J. Garza, in her capacity as Dependent Administrator of the Estate of Martin Corona Garza, for the benefit of the Estate of Martin Corona Garza.

In the event that any other party is ultimately determined by a court of competent jurisdiction to have any right to receive compensation for the interests in property taken in this proceeding, Defendant San Juanita J. Garza, Dependent Administrator of the Estate of Martin Corona Garza, shall refund into the registry of the Court the compensation distributed by this final judgment, or such part thereof as the Court may direct, together with interest thereon at the annual rate provided in 40 U.S.C. § 3116 from the date of receipt of compensation to the date of repayment into the registry of the Court.

This final judgment is binding on the heirs, trustees, executors, administrators, devisees, successors, assigns, agents, and representatives of Defendants Ameida Salinas, Starr County Tax Assessor-Collector and San Juanita J. Garza, Dependent Administrator of the Estate of Martin Corona Garza and the Estate of Martin Corona Garza. Each party to this proceeding is to bear its own costs and fees. Any relief not expressly granted in this final judgment is hereby **DENIED**.

⁶ See 40 U.S.C. § 3114(b); *United States v. 162.20 Acres of Land, more or less, in Clay Cnty.*, 639 F.2d 299, 303 (5th Cir. 1981) ("[T]he filing of a declaration of taking and deposit of estimated compensation vests title in the United States, accomplishing the taking."); Dkt. No. 9 (deposit of \$2,300 in the Court's registry).

⁷ Dkt. No. 9.

All deadlines and conferences in this case are **CANCELLED** and any pending motion, request, or other matter is **DENIED AS MOOT**. This is a final judgment for which execution may issue as allowed by law. This case is terminated and the Clerk of the Court is instructed to close the case.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 16th day of July 2021.



Micaela Alvarez
United States District Judge